

pushes the key top portion 12, which causes the movable contact 8 to contact the stationary contact 10 of the circuit board 17, which causes the circuit of the circuit board 17 to close and "perform a predetermined function" of the circuit." See Shimazu at col. 8, lines 37-53 and Fig. 3.

However, Shimazu never describes or suggests that the touch panel 1 includes a gate driver circuit and a source driver circuit for controlling a pixel portion. In particular, Shimazu never describes or suggests that the circuit board 17 controls the liquid crystal display element 2 or that the circuit board 17 includes a gate driver circuit or a source driver circuit. Rather, Shimazu points out that the circuit board 17 can include a circuit that closes and that the circuit board 17 is controlled by the interaction of the movable contact 8 with the stationary contact 18. Moreover, in Shimazu, the circuit board 17 is used to control an external device, for example, to communicate with "machine or equipment" or "for operating domestic electrical or electronic equipment, home automation equipment or automatic vending machines." See Shimazu at col. 4, lines 6-35.

The Action contends that the circuit board 17 of Shimazu inherently has a driver circuit for controlling the display portions 11 "to display texts or image on the LCD 2." First, applicant points out that this position is entirely contrary to the express teaching of Shimazu, as discussed above, which merely explains that the circuit is able to control an external device. Second, to establish inherency, the Action must provide extrinsic evidence that makes it "clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." See MPEP §2112. Because the Action has not provided such evidence and the Action has not shown that the circuit board 17 must include a driver circuit for controlling the display portions 11, the rejection based on Shimazu including these allegedly inherent functions is not proper. For at least these reasons, Shimazu does not describe or suggest the recited gate driver circuit and source driver circuit for controlling the pixel portion.

Additionally, Shimazu also fails to describe or suggest that the touch panel 1 includes a plurality of operation keys, with each of a plurality of operation keys including a pixel portion formed below a button and a driver circuit for controlling the pixel portion. In particular, Shimazu fails to describe or suggest that each of the key top portions 12 includes a liquid crystal

display element 2 and a circuit board 17. Rather, as shown in Shimazu, a single liquid crystal display element 2 and a single circuit board 17 is provided for the entire cover member 24.

Moreover, Misawa does not remedy the failure of Shimazu to describe or suggest these features. In Misawa, a substrate 11 is provided with a picture element active matrix display 22 along with a source line driver circuit 12 and a gate line driver circuit 21 coupled to the display 22. See Misawa at col. 4, lines 13-58 and Fig. 1. However, Misawa never describes or suggests a plurality of operation keys, with each of the plurality of operation keys including a pixel portion formed below a button and a gate driver circuit and a source driver circuit for controlling the pixel portion. Indeed, Misawa does not show any keys.

The Action cites col. 2, lines 44-55 of Misawa and states that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the display device of Shimazu to have the feature as taught by Misawa so as to provide an improved miniaturized active matrix panel that is low in price and high in resolution and reliability." However, this passage of Misawa merely points out that the active matrix panel of Misawa is low in price and high in resolution and reliability. This passage of Misawa does not provide any motivation as to why someone would want to modify Shimazu to include the substrate 11 of Misawa; rather, this passage merely provides motivation as to why someone would use Misawa's substrate 11.

Moreover, even if one were to modify Shimazu with the substrate 11 of Misawa, any such combination would still fail to describe or suggest that each of Shimazu's key top portions 12 would include its own pixel portion, gate driver circuit, and source driver circuit because, as discussed above, Shimazu's touch panel 1 is designed with only a single liquid crystal display element 2 and a circuit board 17. That is, Shimazu's touch panel 1 does not include liquid crystal display elements and circuit boards for each of the key top portions 12.

For at least these reasons, claims 1, 9, and 12 are allowable over any proper combination of Shimazu and Misawa. Claims 13, 16, 21, 29, and 32 depend from the independent claims, and are allowable at least for the reasons that the independent claims are allowable.

Claims 17 and 20 have been rejected as being unpatentable over Shimazu and Misawa in view of U.S. Patent No. 6,246,388 (Motegi). Applicant requests withdrawal of the rejection of claims 17 and 20 for the following reasons. Claims 17 and 20 depend, respectively, from claims

9 and 12, which were rejected as being unpatentable over Shimazu in view of Misawa. Motegi does not remedy the failure of Shimazu and Misawa to describe or suggest the subject matter of claims 9 and 12. Accordingly, claims 9 and 12, and dependent claims 17 and 20, are allowable over any proper combination of Shimazu, Misawa, and Motegi.

It is believed that no fee is due in connection with this filing. Nevertheless, please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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